

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

PERRY A. MARCH, in his capacity as the  
father of SAMSON LEO MARCH and  
TZIPORA JOSETTE MARCH, both minor  
children,

Petitioner,

v.

LAWRENCE E. LEVINE and  
CAROLYN R. LEVINE,

Respondents.

Civil No. 3:00-0736  
Judge Trauger

**ORDER**

The respondents have filed a Request to Depose Petitioner's Counsel concerning their request for attorney's fees. (Docket No. 159) Petitioner's counsel has filed a Motion to Quash Deposition Subpoenas which were sent by facsimile copy to petitioner's counsel but have not yet been served upon them. Respondents' request to depose is **DENIED**, and the subpoenas, if they have been properly issued, are hereby **QUASHED**.

As is the usual procedure, respondents shall file their objections to the application for attorney's fees, accompanied by any affidavits which they choose to file. This court is intimately familiar with this litigation and is granted wide discretion in the award of attorney's fees. Petitioner's counsel will be granted reasonable fees based upon their efforts and an hourly rate that is justified, taking into account all submittals by the respondents. If respondents need additional time within which to file their objections, they should file a motion for an extension,

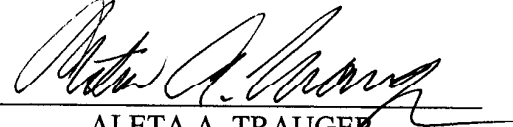
and a reasonable extension of time will be granted. If, after reviewing the submittals by the parties, this court feels that additional information would be helpful to its decision, it will see to it that the necessary information is provided through a mechanism structured by the court.

The United States Supreme Court has aptly stated that the award of attorney's fees "should not result in a second major litigation." *Hensley v. Eckerhart*, 461 U.S. 424, 437 (1983); *Hadix v. Johnson*, 65 F.3d 532, 536 (6<sup>th</sup> Cir. 1995). The opponent of a fee application has no right to any kind of discovery, and the court may even forbid the filing of countervailing affidavits, *Rolex Watch U.S.A., Inc. v. Crowley*, 74 F.3d 716, 721 (6<sup>th</sup> Cir. 1996), which this court has chosen not to do.

It is hereby **ORDERED** that no party may engage in discovery until and unless allowed by the court.

It is so **ORDERED**.

ENTER this 4<sup>th</sup> day of February 2002.

  
Aleta A. TRAUGER  
U.S. District Judge